



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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May 4, 2021

Via ECF

Honorable Loretta A. Preska
United States District Court Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Rm 1320
New York, NY 10007-1312

**Re: SEC v. Stewart, et al., 1:98-cv-02636-LAP
Request for Pre-Motion Conference**

Dear Judge Preska:

The U.S. Securities and Exchange Commission ("Commission" or "SEC") respectfully submits this letter to the Court to request that your Honor accepts the filing of the Commission's Response in Opposition to Phyllis Gottlieb's Motion to Release Restrained Funds and Countermotion for Release of Fifty Percent of the Funds to the Commission ("Opposition") without a pre-motion conference.

The Commission's Opposition provides, in detail, the various reasons why Mrs. Gottlieb is not entitled to the release of funds she requests. (*See* ECF No. 319). It is the Commission's position that Mrs. Gottlieb is the nominal owner of the restrained funds and that Mr. Gottlieb is the beneficial owner of at least fifty percent (50%) of the restrained funds. The evidence submitted by the Commission will prove that Mr. Gottlieb was the sole financier of the purchase of the Aventura Lakes Property, the sale proceeds of which are currently restrained and held in the Court's Registry. Further, he is and has been the primary contact and decision maker in connection with the purchase and sale of all real property for him and his family. As a result, the Commission requests in its Opposition that the Court enter an order releasing the minimum percentage attributable to Mr. Gottlieb (50%) to the SEC.

It is unclear from your Individual Rules whether a pre-motion conference is required for a cross motion of this nature. The relief requested is a natural extension of the facts and arguments supporting the Commission's opposition to Mrs. Gottlieb's Motion. It should require little to no additional consideration from this Court. However, in an abundance of caution, the Commission submits this letter in the event that your Honor requires or prefers to have a pre-motion conference in connection with the Commission's filing.

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The Commission requests that the requirement for a pre-motion conference, if any, is waived in connection with the filing of the Commission's Opposition and that your Honor accepts the filing of the Opposition, which is being filed with this letter. In the alternative, the Commission requests a pre-motion conference be set at your Honor's earliest convenience and for leave to file the Commission's Opposition after its conclusion.

Respectfully submitted,

/s/ Christy J. White
Christy J. White
Assistant Chief Litigation Counsel